

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

CIVIL APPLICATION NO. 1856 OF 2006

IN

FIRST APPEAL (St.) NO. 7763 OF 2006

Office Notes, Office Memoranda
of Coram, appearances,
Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Mr.T.A.Sayyed for the Applicant.

None for the Respondent.

CORAM: S.B.DESHMUKH, J.

DATE : 12TH OCTOBER, 2006

P.C.:

Heard learned Counsel for the
applicant. None appears for the
respondent.

2. It is stated in paragraph 2 of the
civil application that the delay of
about 11 months and 10 days is
occurred in filing the first appeal in
this Court. It is pointed out that
the judgment, which is impugned in
this first appeal, is also challenged
by the respondent, by filing first
appeal no. 1177 of 2005 in this

Court. Said first appeal no. 1177 of 2005 is admitted by this Court. According to the learned Counsel for the applicant, the impugned judgment, therefore, is already challenged by the respondent. Apart from this, cause for this delay is explained in paragraph 4 of the civil application. Referring to first appeal no. 1177 of 2005, a statement is also made that for filing of the first appeal no.1177 of 2005, application seeking condonation of delay was taken out on behalf of the respondent.

3. Having heard learned Counsel for the applicant and considering the fact and circumstances in the present case, in my view, the delay is properly explained and bonafide.

4. In the result, delay of 11 months and 10 days, occurred in filing first appeal in this Court is condoned. The civil application, accordingly, is allowed and disposed of.

Sd/-

(S.B.DESHMUKH, J.)

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P.C.:

List the appeal for admission
after vacation of October, 2006, if
all objections are removed and
numbered. First Appeal No. 1177 of
2005 to be tagged with this appeal.

Sd/-

(S.B.DESHMUKH, J.)